

From: John Perosio <[john.perosio@nara.gov](mailto:john.perosio@nara.gov)>  
Date: March 8, 2019 at 2:35:20 PM  
To: Patrick Eddington <[peddington@cato.org](mailto:peddington@cato.org)>  
Subject: Freedom of Information Act (FOIA) Request 60615

Dear Mr. Eddington,

I am writing in response to your Freedom of Information Act request of March 2, 2019 for records in the custody of the National Archives and Records Administration. Your request was received in this office on March 4, 2019 and assigned FOIA case number **60615**

You requested access to FBI case file **65-HQ-41886**. The subject of this file Richard Masayuki Kotoshirodo. The file has an estimated 200 pages, compiled as part of an espionage investigation conducted between February 1942 and June 1944. My initial assessment confirms that this file has been previously reviewed and released in full under NW 38854. There are no restrictions on access and this folder is open and available for research.

You or your designated representative may request and view this file in Room 2000, the main reading room at our College Park facility. To arrange to see this file, please email [specialaccess.foia@nara.gov](mailto:specialaccess.foia@nara.gov) or call 301-837-3190 at least one week in advance of your visit.

If you cannot schedule a visit to our College Park facility, the standard rate for reproduction orders is \$0.80 per page, regardless of format. Please email [specialaccess.foia@nara.gov](mailto:specialaccess.foia@nara.gov) or call 301-837-3190 if you would like to place an

Exhibit F

Please note, all communications concerning this request should reference FOIA case number 60615.

You also requested access to FBI case **100-HN-185**. The subject of this file is Richard Masayuki Kotoshirodo. The file has an estimated 250 pages, compiled as part of an internal security investigation conducted between December 1940 and September 1958.

This case file requires screening for categories of information exempted from disclosure under the terms of the Freedom of Information Act, prior to public release. In particular, there are documents that may be redacted to protect the identities of confidential sources, including FBI informant codes and informant file numbers.

Requests for FBI case files that do not exceed 500 pages are assigned to our first-tier processing queue. Taking into consideration our existing backlog, the estimated time required to complete the processing of your request is approximately 24 months from the date of this letter.

In addition, you requested that we process your case on an expedited basis. In accordance with 36 CFR 1250.28, the National Archives and Records Administration may, at its discretion, expedite the review of records requested under the Freedom of Information Act and move a request to the head of a FOIA processing queue, if the requester meets one of the following criteria:

(1) A reasonable expectation of an imminent threat to an individual's life or physical safety;

(2) A reasonable expectation of an imminent loss of a substantial due process right;

(3) An urgent need to inform the public about an actual or alleged Federal Government activity (this applies only to those requests made by persons primarily engaged in disseminating information to the public); or

(4) The subject is of widespread and exceptional media interest and the information sought involves possible questions about the government's integrity that affect public confidence.

You requested expedited processing, but did not specify under which of these criteria you qualify for it. You have demonstrated no reasonable expectation of imminent threat to an individual's life nor an imminent loss of a substantial due process right. You fail to demonstrate how there is an urgent need to inform the public about the investigation of Richard Kotoshirodo for activities in support of Imperial Japan. The fact that Kotoshirodo was investigated for spying for Japan is publicly known. While you note that your request is for information on "a topic of high ongoing historical and public policy interest," you provided no explanation as to how this information would be of widespread and exceptional media interest and no explanation as to how this information could affect public confidence in the Government's integrity. After carefully considering the merits of your request, I have concluded that the circumstances in this case do not warrant expedited processing. Based on this determination, your request will be placed in our regular processing queue.

You also requested a waiver for reproduction fees ordinarily charged to researchers. Records transferred to the custody of the National Archives are exempt from the fee and fee waiver provisions of the Freedom of Information Act because a fee schedule

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was in effect prior to enactment. The applicable section states that "nothing in this subparagraph shall supersede fees chargeable under a statute specifically providing for setting the level of fees for particular types of records" (5 U.S.C. 552 (a)(4)(A) (vi)). The relevant fee statute authorizes the National Archives "to charge a fee for making or authenticating copies or reproductions of materials transferred to the Archivist's custody." (44 U.S.C. 2116(c)). The inability to grant the requested fee waiver does not constitute a denial under the terms of the Freedom of Information Act.

If you are not satisfied with our action on this request, you have the right to file an administrative appeal within ninety (90) calendar days from the date of this letter. Appeals must be in writing and may be delivered by regular U.S. mail or by e-mail. By filing an appeal, you preserve your rights under the Freedom of Information Act and present the deciding agency with an opportunity to review your request and reconsider its decision. If you submit your appeal by regular mail, it should be addressed to the Deputy Archivist of the United States (ND), National Archives and Records Administration, 8601 Adelphi Road, Room 4200, College Park, Maryland 20740-6001. Both the letter and envelope should be clearly marked "FOIA Appeal." If you submit your appeal by e-mail, please send it to [foia@nara.gov](mailto:foia@nara.gov), addressed to the Deputy Archivist, with the words "FOIA Appeal" in the subject line. Please be certain to explain why you believe this response does not meet the requirements of the Freedom of Information Act. Again, all communications concerning this request should reference FOIA case number 60615.

If you would like the opportunity to discuss our response and attempt to resolve your dispute without initiating the appeals process, you may contact our FOIA Public Liaison for assistance:

Accessioned Executive Branch Records – Washington, DC Area  
FOIA Requester Service Center: 301-837-3190  
Acting FOIA Public Liaison: Britney Crawford  
8601 Adelphi Road, Room 5500  
College Park, MD 20740-6001  
Telephone: 301-837-3190  
E-mail: [dc.foia.liaison@nara.gov](mailto:dc.foia.liaison@nara.gov)

If you are unable to resolve your dispute through our Public Liaison, the Office of Government Information Services (OGIS) is the federal FOIA ombudsman. OGIS offers mediation services to help resolve disputes between FOIA requesters and federal agencies. You may contact OGIS at the following address:

Office of Government Information Services (OGIS)  
National Archives and Records Administration  
8601 Adelphi Road, Room 2510  
College Park, MD 20740-6001  
[ogis@nara.gov](mailto:ogis@nara.gov)  
202-741-5770  
1-877-684-6448

To notify this office of a change in your contact information or to track the status of your request, please telephone 301-837-3190 or e-mail [specialaccess.foia@nara.gov](mailto:specialaccess.foia@nara.gov). If you have any questions regarding your request, please contact me directly at [john.perosio@nara.gov](mailto:john.perosio@nara.gov) or 301-837-0617.

Sincerely,

**John Perosio**

Archivist, Special Access/FOIA Staff  
National Archives & Records Administration

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